

## MINUTES

### Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors met on Thursday, June, 14, 2007 and Friday, June 15, 2007 at 9:00 am in Room 212 of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, TN.

#### ***THURSDAY JUNE 14, 2007 –***

Those present were: David Mathews, Chairman; Sue Braly, Vice-Chairman; Jackie Dillehay, Board Member; David Cagle, Board Member; Adrian Chick, Former Attorney for the Board; Kathryn Wiseman, New Attorney for the Board; and Donna Moulder, Administrative Director for the board. Frances Smith, Complaint Coordinator, was also present.

The meeting was called to order at 9:05 am by David Mathews, Chairman.

Sue Braly, Vice Chairman, made a motion to adopt the agenda for this meeting. David Cagle seconded the motion. The motion carried unanimously.

The board then reviewed the minutes of the previous meeting. Jackie Dillehay made a motion to approve the minutes as read. Sue Braly seconded the motion. The motion carried unanimously.

#### ***COMPLAINT REVIEW –***

Adrian Chick and Kathryn Wiseman then presented the following complaints for the board's review:

*Complaint #200602886 and 200704911* – Sue Braly made a motion to accept the attorney recommendation and combine these two cases into one consent order assessing a civil penalty of \$1500.00 to be paid in monthly payments. David Cagle seconded the motion. The motion carried unanimously.

*Complaint #2006051911* – Jackie Dillehay made a motion to dismiss this complaint. Sue Braly seconded the motion. The motion carried unanimously.

*Complaint #200705622* – Jackie Dillehay made a motion to accept the attorney's recommendation and dismiss this complaint based on the fact that it appears to be a boundary line dispute that has been previously litigated. The motion was seconded by Sue Braly. The motion carried unanimously.

*Complaint #200705991* – Jackie Dillehay made a motion to accept the attorney's recommendation and hold this complaint pending the outcome of the ongoing litigation. The motion was seconded by Sue Braly. The motion carried unanimously.

*Complaint #200705383* – Sue Braly made a motion to accept the attorney's recommendation and dismiss this complaint based on the fact that the complaint does not allege facts that constitute misconduct. Jackie Dillehay seconded the motion. The motion carried unanimously.

*Complaint #299695680* – Jackie Dillehay made a motion to accept the attorney's recommendation and send a Letter of Caution regarding the use of potentially offensive language. David Cagle seconded the motion. The motion carried unanimously.

*Complaint #200705597* – Sue Braly made a motion to accept the attorney's recommendation and dismiss this complaint based on the fact that this appears to be a boundary line dispute. The conflict of interest rules address conflicts between a surveyor and his client; not between the surveyor and a third party. David Cagle seconded the motion. The motion carried unanimously.

*Complaint #200705385* – Jackie Dillehay made a motion to accept the attorney's recommendation and issue a Consent Order assessing a civil penalty of \$500.00 and authorization for a formal hearing. The motion was seconded by Sue Braly. The motion carried unanimously.

*Complaint #200704823* – Jackie Dillehay made a motion to accept the attorney's recommendation and hold this complaint pending the outcome of the ongoing civil litigation. The motion was seconded by Sue Braly. The motion carried unanimously.

*Complaint #200705382* – Sue Braly made a motion to accept the attorney's recommendation and dismiss this complaint. Jackie Dillehay seconded the motion. The motion carried unanimously.

### ***INFORMAL CONFERENCE –***

An informal conference was then held on Complaint #200604571 – The TN Board vs. Coast2Coast. Scott Aaron of Coast2Coast was present and as instructed by the board, brought samples of his work. Mr. Aaron explained to the board that there are two parts to his business:

1. "Branding" surveys – this is related to when a bank or other business buys another one and has to change the "brand" of a facility. Coast2Coast "surveys" their location and provides the

company with details about their signage so they can reimage their signs and up new signs.

2. "As-Built" surveys – these are basically an architectural kind of component where C2C goes and measures a facility, documents existing facility dimensions and develops blue prints so that architects and designers can then figure out floor coverings, removal of walls, how to remodel the space, etc.

Mr. Aaron informed the board that they do use surveying equipment to perform these tasks. Mr. Aaron also stated that his company does very little work in Tennessee.

Mr. Mathews informed Mr. Aaron that the term "as-built" survey is considered to be in the surveying realm, so he would suggest that Mr. Aaron change his website to say "interior survey" or something to that effect, because the term "as-built" survey is part of the realm of land surveying.

David Mathews then signed the Consent Order for Complaint #200602909 and the complaint was closed.

The board then reviewed Executive Order 38 with regards to continuing education rule changes. The changes have no negative impact on small business. The changes:

1. This rule will affect all businesses, both large and small.
2. The board sees no adverse impact to either large or small businesses.
3. The wording and the means by which we have changed the rule does meet the objective and it neither increases nor decreases the burden on large or small businesses.
4. N/A

Sue Braly made a motion to adopt Section 3 of Executive Order 38 as stated. Jackie Dillehay seconded the motion. The motion carried unanimously.

The board then signed wall certificates from the October 2006 examination.

Sue Braly then made a motion for the board to open a complaint against Phillip Holmes for misleading the public on his website. Tennessee is also to notify Kentucky by email, with copies of links to the website, that misconduct, possible ethics violations, and possible misleading of the public as to the credentials posted on the website. Jackie Dillehay seconded the motion. The motion carried unanimously. The violation falls under 0820-4-.07(1). Jackie Dillehay made a motion to send Mr. Holmes a Cease and Desist letter. David Cagle seconded the motion. The motion carried unanimously.

The board then reviewed the scores of the April 2007 exam. Sue Braly made a motion to accept the average score of 66 as suggested by Peter Messier. Jackie Dillehay seconded the motion. The motion carried unanimously.

Those who passed the exam are:

Christopher Lee Clay  
Jason Henry Connelly  
Arthur Mike Dial  
Brian McMeans  
Charles Scott Goan (PLSIT)  
Timothy Curtis Johnson (PLSIT)  
Rusty Lee Norrod (PLSIT)  
John D. Parnell (PLSIT)  
Olalekan Rasheed Sodeinde (PLSIT)  
Kevin A. Hollar  
James Meredith Pearsall  
Joshua Wayne Trawick

Edward Carlyle Canada III  
James Steven Aunspaugh  
Kraig Matthew Blim  
David M. Brown  
Brent Clare Clough  
David Clinton Evans III  
Philip James Gotro  
Thomas W. Griffey  
Richard Elgin Hamby  
Vaughn R. Kuchenbecker  
Christopher Shea Skeen  
Jeffrey Rees Wagner

Those who failed are:

David Brian Hill  
Todd David Holt  
Tony Randall Hughes  
Jesse Van Kirby  
Rhonda Lynn Lawson  
Paul Jeffrey Menz  
Edward Miller, Jr.  
Robert Jason Moseley  
Daniel Keith Oliver  
Stanley Todd Reese  
Kenneth Wayne Sartain  
Patrick G. VanNieuwenhoven  
Brian Ward Keith  
Robert Shane Cleveland  
H. Alan Kimbrough  
Henry C. Ritchie II

Daniel Neil Baker (PLSIT)  
Jonathan Hoffman (PLSIT)  
Robert Paul Taylor (PLSIT)  
Daniel Chadwick Moore  
Stephen B. Murrell  
Aaron Newman Sams  
John William Andrews III  
Jeff Elliott  
Michael Josh Henry  
Dax Pollard Pugh  
Robert Alan Neuhaus  
Robert Benjamin Thornton  
Matthew C. Bissett  
Patrick Henry Haggard  
Benjamin T. Quinn  
Joseph Williamson

The board then reviewed policy concerning letters of caution. Jackie Dillehay made a motion to adopt this policy. The board will authorize Donna Moulder to issue letters of caution without going through the board. Sue Braly seconded the motion. The motion carried unanimously.

The board reviewed the reapplication of Robert Prejean. Jackie Dillehay made a motion to give Mr. Prejean the option to take the Tennessee portion of the exam or to attend thirty seminar hours of continuing education. The courses must be

pre-approved by the continuing education committee and cannot be video, correspondence or on-line seminars. The hours have to be obtained in a classroom setting. Sue Braly seconded the motion. The motion carried unanimously.

There being no further business, the meeting was adjourned at 2:30 pm.

***FRIDAY, JUNE 15, 2007 –***

Those present were: David Mathews, Chairman; Sue Braly, Vice-Chairman; Jackie Dillehay, Board Member; David Cagle, Board Member; and Donna Moulder, Administrative Director for the board.

The meeting was called to order at 9:00 am by Chairman Mathews.

The board reviewed a policy statement regarding the unlicensed practice of surveying. Jackie Dillehay made a motion to adopt the policy as amended. Sue Braly seconded the motion. The motion carried unanimously.

The board then met with Craig Barron, PLSIT applicant whose application was previously denied; specifically because of his education. The board gave Mr. Barron credit for: precocious – 3 hours only and statistics – 3 hours. Mr. Barron now lacks 3 hours for completion.

There being no further business, the meeting was adjourned at 11:15 am.

The next board meeting is scheduled for September 13-14, 2007.

Respectfully submitted,

Donna Moulder  
Administrative Director

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David Mathews, Chairman

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Sue Braly, Vice-Chairman

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Jackie Dillehay

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David Cagle